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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON

8 LYUBOV A. POPOV,) No. CV-04-0308-MWL
9)
10 Plaintiff,) ORDER GRANTING JOINT
11 vs.) MOTION FOR STIPULATED
12 JO ANNE B. BARNHART,) REMAND
13 Commissioner of Social)
14 Security,)
Defendant.)

15 The parties jointly moved for a stipulated order of remand.
16 The Court **GRANTS** the parties motion and it is hereby **ORDERED** that
17 the above-captioned case be remanded for further administrative
18 proceedings, including a new hearing.

19 Upon remand, the Administrative Law Judge (ALJ) will
20 determine the exact dates when Plaintiff worked as a "newspaper
21 carrier;" whether she actually performed the work herself or
22 whether her family performed the work for her; and whether the
23 work was substantial gainful activity. In so doing, the ALJ will
24 obtain, from Plaintiff or any third party, information concerning
25 Plaintiff's work activity as a newspaper carrier. The ALJ may
26 obtain, among other documents, statements from former employers,
27 tax returns, and pay stubs to help in the determination.

28 The ALJ will also determine the exact dates of Plaintiff's

1 work as a caregiver; whether the work was substantial gainful
2 activity; and whether Plaintiff performed it long enough to be
3 considered past relevant work. The ALJ will also specify the
4 physical demands of all of Plaintiff's past relevant work and
5 compare her residual functional capacity with the physical demands
6 of her past relevant work. In doing so, the ALJ will obtain
7 vocational evidence sufficient to allow a comparison between the
8 plaintiff's residual functional capacity and the physical demands
9 of her past relevant work (20 C.F.R. § 416.960; Social Security
10 Rulings 82-61, 82-62). If consideration is given to the fifth
11 step of the sequential evaluation process, the ALJ will obtain
12 supplemental evidence from a vocational expert to clarify the
13 effect of the assessed limitations on Plaintiff's occupational
14 base, and to determine if Plaintiff acquired any skills that are
15 transferable to other occupations. Plaintiff may present new
16 arguments.

17 This Court hereby reverses the Commissioner's decision under
18 sentence four of 42 U.S.C. §405(g) and orders a remand of the
19 cause to the Commissioner for further proceedings. *See Melkonyan*
20 *v. Sullivan*, 501 U.S. 89 (1991).

21 **DATED** this 1st day of June, 2005.

22 s/ Michael W. Leavitt

23 MICHAEL W. LEAVITT
24 UNITED STATES MAGISTRATE JUDGE
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1 Presented by:

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